

1906-049 Chancery Causes: Rachel E. Smith vs. George R. Smith
Lee Co.

Hughes, Sargent, Andis

CA-Divorce

T-Vices

Migration

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Humbly complaining, your oratrix, Rachel E. Smith, would respectfully represent and show unto your honor, , that on the ____ day of _____, 1886, she was married in said county and State to George R. Smith, and they lived and cohabited together in said county and state, as husband and wife, until on or about the ____ day of February, 1905, at which time, her said husband deserted her without cause upon her part, and ran off to Harlan County, Kentucky with one Dora B. Hughes, a le^uwd woman, with whom he has lived and cohabited, and is now living and cohabiting as man and wife, in said county and State; that the said George R. Smith has been guilty of numerous acts of adultery, with the said Dora B. Hughes in Lee Co., Va., before they left this State, and within five years before the institution of this suit, and also since their departure from this State to the County of Harlan and State of Kentucky, where they have ever since lived, and are now living, together in adultery; that the said acts of adultery were without her consent or connivance; that she is a resident of Lee County, Virginia, and has^s been domiciled therein for more than one year^{next} ^{and} preceeding the commencement of this suit, in which county and State she and her said husband last cohabited.

Your oratrix will further represent and show unto your honor, that the said George R. Smith, under the name of George W. Smith, is charged with an offence punishable with confinement in the penitentiary, and stands indicted therefor in your honor's court, and is a fugitive from justice, though he has not been absent quite two years.

The object therefore of this suit is to obtain a divorce from the bonds of matrimony existing between your oratrix and her said husband. To this end she prays that the said George R. Smith be made the party defendant to this bill, and required to answer the same on

oath, and that an order of publication be made posted and published against him, he being a non-resident of this State, and that said publication be treated as sufficient notice under the statute, to authorize your oratrix to take depositions in the cause; and that your oratrix be granted all such other, further and general relief as may be consistnt with rquity. And she will ever pray &c.

Or. v. Keel, p. 96

Rachel E Smith

vs Bill in Chancery.

George R Smith

1906. April 11th. Bill filed v. G. R.
" 1st May Rules. O. P. Campbell
~~" 2nd May Rules. O. P. Campbell~~
~~" Cause set for hearing by Plff.~~

Jurisdiction Sec 2269.

Costs:

Clerk	\$ 6.65
atty.	15.00
Exp.	1.20
Comm.	4.00
wite.	.50
Printer	5.00
	<u>\$ 31.35</u>

Rachel E/ Smith,

Plaintiff.

vs.

In Chancery.

George R. Smith,

Defendant.

This cause came on to be heard upon the bill of the plaintiff, the order of publication duly made, posted and published against the defendant, as a non-resident/, the cause set for hearing by the plaintiff and the depositions of witnesses, and was argued by counsel. On consideration thereof, the defendant not appearing, it is adjudged ordered and decreed that the bonds of matrimony existing between the plaintiff and defendant be and are hereby dissolved and the said parties are divorced from each other; and that the plaintiff recover against the defendant the cost of this suit to be taxed by the clerk, for which execution may issue. And ^{the} cause is stricken from the docket.

Rachel E. Smith
vs { Decree No. 1.
George R. Smith.

Entered in C.O.B.
#8, page 152, &c.

Enter this Decree,
H. A. W. Stone
May 2 / 1906.

The depositions of Jack Sargent and Armina Audio taken at Ocoonte Virginia at the dwelling house of H. B. Fluor on the 19th day of May, 1906 to be read as evidence on behalf of the plaintiff in a certain chancery suit pending in the Circuit Court of Lee County Virginia, in which Rachel C. Smith is plaintiff and Geo. R. Smith is defendant, and in which cause an order of publication has been duly made, posted and published against the said Geo. R. Smith as a non-resident defendant, and taken before the undersigned Commissioner in Chancery for said court.

Present the plaintiff and James W. Orr, one of her counsel, and no one for the defendant.

The said Jack Sargent, a witness of lawful age, being duly sworn deposes and says:

(1) Ques. by plaintiffs counsel:

Ans. Please state your age, residence and occupation.
Ans. 22 years, live at Ocoonte Va., farm some and work on the Railroad.

Q. 2 How long have you lived at Ocoonte.

Ans. Two years last March.

Q. 3 Are you acquainted with the parties to this suit, and if so, how long have you known them.

Ans. I am, and have known them since I lived here and sometime before. I have lived in sight of them ever since I came into this neighborhood until within the last two months and now live in about $\frac{1}{2}$ a mile of the plaintiff.

Q. 4 State whether or not while you lived near Geo. R. Smiths, a woman by the name of Dora Hughes lived at said Smiths and was she married or single, if you know, and when did she leave there and under what circumstances.

Ans. She did live there during all that time, or nearly so, and she said she was single, when she left there, she went to Harlan county Kentucky and she told me that Geo. R. Smith was moving her to that place.

Ques. 5. About what time did the defendant leave the neighborhood of Occovuta and under what circumstances.

Ans. He left a short time before she did and I suppose went to Harlan county Ky., where he had been working oft and on, before that and I have seen them both in Harlan county Kentucky since they left here.

Q. 5. How were they living in Harlan county Kentucky when you saw them there in reference to each other. State all you may know about it.

Ans. They were living together in the same house. I eat dinner with him at his invitation and he talked with me about his crop on the premises and acted as though it was his home.

Q. 6. When was this.

Ans. It was two or three months ago.

Q. 7. Please state whether or not at the time the defendant left Occovuta, he got into any trouble and was indicted or any thing you may know in regard to the matter.

Ans. I only know that it was said that he shot at J. B. Brington an officer who was trying to arrest him a short time before he left here and that he was afterwards

indicted for the shooting and I know the fact that he was ~~driving~~ ^{and} afterward ~~and~~ that officers were searching for him on different occasions

Q. 8 Please state if you know, what the conduct of the defendant was toward the plaintiff while you lived near them and what was her conduct toward him.

Ans. I was there frequently and asked for him one time about two weeks and he always seemed to talk to me in an ill manner, have heard him say that he would make her leave if she fooled with him and have, several times, heard him threaten to whip her. I have heard Dora Hughes quarrel and quarrel at the plaintiff and when this would occur, sometimes the defendant would be present and sometimes not. He would, at times, take sides with the said Dora, but never with his wife.

Q. 9 What was the conduct of the plaintiff toward her said husband during the time you lived near them and while you have known them.

Ans. She always seemed to be kind and good to him.

Q. 10 Did you ever see any misconduct between the defendant and Dora Hughes and if so what was it and where and when.

Ans. I have frequently seen them leave the house together and go up into the mountain and on one occasion ^{about night} he brought her child to

my house and left it and said she was going to Dryden on the train and I, of-
tenants that night went up on the moun-
tain and saw her and the defendant up
there by a fire, it was then getting dark,
I left them then and do not know how long
they re-mained, but she did not come for
her child till next morning, he, at this
time was ^{this all occurs within a year from this date.} dodging the officers.

Q. 11 About how old was her child at that
time.

A. The child was perhaps 6 or 8 years old, girl.

Q. 12 Did you ever hear Dora Hughes say who
was the father of that child?

A. I do not know that I have ever heard
her say, but I have heard the defendant
say that it was his child, and have
heard the child call him papa, and have
heard her tell the child to go to your
papa; referring to the defendant.

Q. 13 Was the conduct of the defendant with said
Dora Hughes, with the consent or couni-
vance of the plaintiff.

A. It was not, so far as I know and cannot
to create trouble between them.

Q. 14 Is the Plaintiff a resident of this county, and if
so how long has she been domiciled therein for more
than one year prior to the 11th day of April, 1906

A. She is a resident of this county and has lived
here for more than one year next preceding
this suit said date

Q. 10. Has the defendant ever returned to live in this county with his said wife, since he and the said Dora Hughes left this county as stated by you.

A. He has not.

And further this Dependent said not.

Jack ^{this} Layman
mark

The said Annina Smith is another witness of lawful age and being duly sworn deposes and says:

Q. 1. Please state your age and residence?

A. Seventeen. Live at Corvallis with plaintiff.

Q. 2. What relation are you to the parties to this suit.

A. I am their daughter.

Q. 3. While Dora Hughes ^{was} ~~has been~~ living at your house, if she lived there, did you ever see any unbecoming conduct between her and your father, the defendant.

A. She lived at our house several years, and two or three years ago, I saw them frequently go up into the Mountain together, and I have seen her sitting on his lap several times in my mother's absence.

Q. 4. Have you visited your said father in Harlan Ky. since he has been living there. If so where?

A. I have. I was there about two months ago.

Q. 5. Was Dora Hughes there and if so, how was she and your father living.

A. She was there, and they were living in the same house and sleeping in the same room, in separate beds, my father was providing for the table and ^{acting} in other respects as if it were his home, and she was cooking and keeping house.

Ques 6 Did you ever hear your father speak of
Dora Hughes's child as being his child, or
any thing of the kind, if so, please state what
he said

Ans. I never heard him say that it was his,
but I have heard him call himself "Popa" to
the child

Ques 7 Has your father ever returned to live
with your mother since he and Dora Hughes
left her and went to Harlan County Ky?

Ans. He has not.

Q. 8 Was the conduct of which you speak, between
Dora Hughes and your father with the consent
of your mother, or was she willing to it,
or otherwise.

Ans. It was not by her consent, and dis-
agreeable with her, and created trouble be-
tween her and my father.

And further this deponent saith not.

Wm. C. Giddis.

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The foregoing depositions of Jack Sargent
and William C. Giddis were taken subscribed
and sworn to before me at the time and place
and for the purposes in the caption mentioned.

Given under my hand on this 19th. day of
May, 1906

W. B. Hopkins, Commissioner
In L. Harlan Ky.

Rachel E Smith
vs. Defd
George R Smith

Filed May 19, 1906.
H. C. J. Ewing,
Clerk.

Commissioner's fee \$4.00
paid

In the Clerk's Office of the Circuit Court of the County of
Lee,

Rachel E. Smith, Plaintiff,
against

George R. Smith, Defendant.

This day James H. Orr personally appeared
before me, W. E. Hanary, Deputy Clerk of the said Court,
and being duly sworn, made oath that George R. Smith

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Deputy Clerk of the said Court, this 11th day of April 1906

W. E. Hanary, D. Clerk.

Rachel E. Smith

vs.

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AFFIDAVIT FOR ORDER

OF

PUBLICATION.

George R. Smith

One x Noel p. q.

In the Clerk's Office of the Circuit Court of the county of Lee, on the 11th
day of April, 1906,

Rachel E. Smith,
against

Plaintiff

In Chancery.

George R. Smith,
Defendant

Defendant

The object of this suit is to obtain a divorce a vinculo mat-
rimonii.

And an affidavit having been made and filed that the defendant,

George R. Smith is

^anot resident of the State of Virginia, it is ordered that he do appear here within 15 days
after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the Jonesville

Star and that a copy be posted at the front door of the Courthouse of this county as prescribed
by law.

A copy—Teste:

Over & Noel.

p. q.

W. H. Dwyer,
By M. E. Dwyer, d.c.,

Clerk.

Rachel E. Smith,

vs.

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ORDER OF
PUBLICATION

George R. Smith,

Virginia, Lee County, to-wit:

J. H. C. T. Ewing, Clerk of
The Circuit Court for the
County aforesaid, in the
State of Virginia, do cer-
tify that I posted a true
copy of the within order of
publication at the front door
of the Court-house of this Coun-
ty on this day.

Given under my hand, this
11th day of April, 1906.

J. H. C. T. Ewing, Clerk.

Completed May 2nd 1906.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

George R. Smith

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *3rd* Monday in *April*, 190*6*, to answer a bill in chancery exhibited against *him*

by Rachel E. Smith

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *15th* day of *April*, 190*6*, and 1 *30*" year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Rachel E. Smith

VS

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SUBPENA
IN
CHANCERY.

George R. Smith

Orlando, Fla. p. q

To 2nd April Rules.
Lee Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON

Jack Sargent

W. K. Hopkins Comer in chance of
to, appear before the Judge of our Circuit Court of the County of Lee, at the court-house thereof, on the *4th* day of *February*
residence at Occoquan St. on the 19th
day of *May* 190*6*, to testify and the truth to say in behalf of the *Plff*

in a certain matter of controversy in our said court before the
said Judge depending and undetermined between *Rachel E. Smith*

Plaintiff, and

George R. Smith

Defendants

And this

he

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. EWING, Clerk of our said court, at the court-house the

16th

day of

May

190*6*, and in the 12*th* year of the Commonwealth.

H. C. T. Ewing, Clerk

Rachel C. Smith

vs.

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SUBPOENA
FOR
WITNESS

George R. Smith

Court,

the day of

190----

Exhibited By Summoning
Jack Sargent
This the 17 day of
May 1906

C. E. Denny J. S.
For P. M. Ball
850

Order of Publication.

In the Clerk's Office of the Circuit Court
of the county of Lee, on the 11th
day of April, 1906

RACHEL E. SMITH, Plaintiff,
against

GEORGE R. SMITH, Defendant.
in chancery

The object of this suit is to obtain a divorce a vinculo matrimonii And an affidavit having been made and filed that the defendant George R. Smith is not a resident of the State of Virginia, it is ordered that he do appear here within 15 days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star and that a copy be posted at the front door of the courthouse of this county as prescribed by law.

A copy--Teste:

H. C. T. EWING, clerk

By M E FLANARY, D C

ORR & NOEL p q

----- Rachel E. Smith -----

vs { ----- In Chancery -----

----- George R. Smith -----

I, J. C. Boatright -----, editor
of The Jonesville Star, a weekly newspaper
published in the county of Lee, state of Virginia,
do hereby certify that the enclosed notice was
published in said paper once a week for four
successive weeks, commencing on the 12th --
day of April ----- 1906 --

J. C. Boatright -----, Editor.

FEE \$ 5.00 *By J. W. Orr.*

Paid by J. W. Orr.